

FILED 05/08/24 10:55 AM

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Eugene DIVISION

Thomas Leonard Berry
(Enter full name of plaintiff)

Plaintiff,

v.

Civil Case No. 6:24-cv-00766-AN
(to be assigned by Clerk's Office)

COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS (PRISONER COMPLAINT)

The State of Oregon
Honorable Judge Edmunds
DISTRICT ATTORNEY
(Enter full name of ALL defendant(s))

Defendant(s).

Jury Trial Demanded

☐ Yes

☒ No

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: Thomas Berry
Street Address: 41000 SE Aumsville Hwy
City, State & Zip Code: Salem, OR 97310
Telephone No.: _____

Defendant No. 1 Name: Honorable Judge Edwards
Street Address: 100 High ST NE
City, State & Zip Code: Salem, OR 97310
Telephone No.: _____

Defendant No. 2 Name: District Attorney
Street Address: 100 High ST NE
City, State & Zip Code: Salem, OR 97310
Telephone No.: _____

Defendant No. 3 Name: The State of Oregon
Street Address: 100 High ST NE
City, State & Zip Code: Salem, OR 97301
Telephone No.: _____

Defendant No. 4 Name: _____
Street Address: _____
City, State & Zip Code: _____
Telephone No.: _____

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (*check all that apply*):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

my Due process for fair, equal rights in my case to a just trial in a timely manner and to be represented and heard in the interest of justice.

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

my trial is set in a time that exceeds 270 days
It was set in an untimely manner by the District Attorney
Honorable Judge Edwards set an unreasonable amount
of bail. The state of Oregon refuses to give me
emergency medical care for my broken shoulder and
medication for my mental disorder. The DA and
Judge are aware of my medical and mental needs
and are aware that the grand jury testimony
was perjured. Therefore my Due process is
being violated.

Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

Judge Edwards refuses to let me out on
reasonable bail neglecting my rights to

medical care and mental health needs The DA
 accepted perjured testimony and has not set
 my trial within 270 days of Being in Jail
 The state of Oregon has neglected to monitor
 The courts of Doing Their Job my mental
 health is Declining my Broken shoulder is
 mending wrong I'm gonna suffer immensely
 for This injustice

Claim III

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

I've been incarcerated for 240 days
 and my trial is set for 3 weeks beyond the
 270 days of reasonable timing The alleged victims
 committed perjury There's issues with chain of evidence
 and in the interest of justice I'm being walked
 on and my rights are being violated The
 Judge set an unreasonable Bond The court
 is aware of my medical and mental issues
 That The Jail refuses to offer me

(If you have additional claims, describe them on another piece of paper, using the same outline.)

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

I have filed for administrative relief as to all claims in Section III and have concluded all administrative appeals available to me.

☒ Yes

☐ No

V. RELIEF

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

I want The court To release me from custody for all my many violations of my rights so I can seek professional help, legally, medically, mentally. I just want my Due process and the state to also make sure the courts are doing their job thoroughly correct and giving me my rights and my equal rights to represent myself in a timely fashion.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5 day of May, 2024

Thurman Z. Burr
(Signature of Plaintiff)

Name: Thomas Berry
SID# 12166051
LEGAL/OFFICIAL MAIL ONLY
Marion County Sheriff's Office-Jail
4000 Aumsville Hwy SE
Salem, OR 97317

PORTLAND OR 972

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USDC
Wayne L. Morse US Courthouse
405 E 8th Ave STE 2100
Eugene, OR 97401

97401-271225

